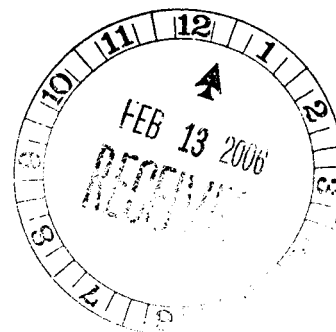




**Robert T. Opal**  
General Commerce Counsel

February 10, 2006

2 15789



**Via UPS Overnight**

The Honorable Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, D.C. 20423-0001

**Re: Docket No. AB-33 (Sub-No. 237X); Union Pacific Railroad Company and Salt Lake City Corporation -- Abandonment Exemption -- In Salt Lake City, UT (900 South Line)**

Dear Mr. Williams:

Enclosed for filing in the above proceeding are the following:

1. An original and ten (10) copies of a Joint Petition for Exemption and draft Federal Register Notice (Exhibit 3 to the Petition);
2. A payment form in the amount of \$5,200.00 for the filing fee required by 49 C.F.R. § 1002.2(f), Part III (21) (iii).

Please indicate receipt of the enclosed materials by returning a stamped copy of this letter in the self-addressed, stamped envelope enclosed for this purpose.

Very truly yours,

Robert J. Opal  
GSM

**Robert T. Opal**  
**General Commerce Counsel**  
**Direct dial: 402/544-3072**  
**Fax: 402/501-0132**

cc: (w/attachments)  
Christopher E. Bramhall, Salt Lake City Corporation

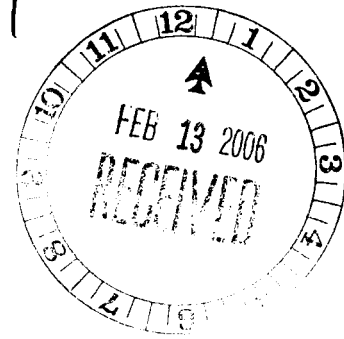
Office of the Secretary

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**ORIGINAL**

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BEFORE THE  
SURFACE TRANSPORTATION BOARD



Docket No. AB-33 (Sub-No. 237X)

UNION PACIFIC RAILROAD COMPANY AND SALT LAKE CITY CORPORATION  
--ABANDONMENT EXEMPTION --

IN SALT LAKE CITY, UTAH  
(900 SOUTH LINE)

JOINT PETITION FOR EXEMPTION

SALT LAKE CITY CORPORATION  
Christopher E. Bramhall  
Senior City Attorney  
451 South State Street  
Room 505  
Salt Lake City, Utah 84111  
Tel: 801/535-7799

UNION PACIFIC RAILROAD  
COMPANY  
Robert T. Opal  
General Commerce Counsel  
1400 Douglas Street  
Mail Stop 1580  
Omaha, NE 68179  
Tel: 402/544-3072  
Fax: 402/501-0132

Dated: February 10, 2006  
Filed: February 13, 2006

**FILED**

FEB 13 2006

TRANSPORTATION BOARD

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BEFORE THE  
SURFACE TRANSPORTATION BOARD

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Docket No. AB-33 (Sub-No. 237X)

UNION PACIFIC RAILROAD COMPANY AND SALT LAKE CITY CORPORATION  
--ABANDONMENT EXEMPTION --

IN SALT LAKE CITY, UTAH  
(900 SOUTH LINE)

---

JOINT PETITION FOR EXEMPTION

I.  
INTRODUCTION

This Petition is filed on behalf of Union Pacific Railroad Company ("UP") and Salt Lake City Corporation ("City"). It requests an exemption authorizing conditional abandonment of UP's "900 South Line" extending from Milepost 780.1 west of Redwood Road to Milepost 782.32 near 4<sup>th</sup> West Street in Salt Lake City, Salt Lake City, UT.<sup>1</sup> The abandonment is to be conditioned on substantial completion of the Grant Tower Project as described below. As will be discussed, the abandonment exemption and the requested condition are key parts of an agreement made between UP and City to resolve outstanding issues and appellate litigation arising from the Board's decision in Docket No. AB-33 (Sub-No.183) Salt Lake City Corporation – Adverse Abandonment.

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<sup>1</sup> The technical name of the line is "Main Track 3". It was formerly known as the "Passenger Line Industrial Lead". The name "900 South Line" is, however, commonly used to describe the line, and is also the name used in the Board's prior decisions involving this line.

decision filed April 11, 2002 in Case No. 02:01-CV-655 ST, Salt Lake City Corporation v. Union Pacific Railroad Corporation.<sup>2</sup>

## II. BACKGROUND

### A. Prior STB Proceedings

The 900 South Line has been the subject of the two prior STB decisions, Finance Docket No. 34090, Union Pacific Railroad Company – Petition for Declaratory Order, served November 9, 2001 and Docket No. AB-33 (Sub-No. 183) Salt Lake City Corporation – Adverse Abandonment, served March 8, 2002. The history of the line and its reactivation in late 2001 are described in detail in these decisions, but a brief summary is as follows.

The 900 South Line was constructed in 1905-1906 as part of a main line between UP's Salt Lake City passenger terminal and the western United States. The use of the line diminished as passenger service waned, and many on-line industries either closed or converted to truck transportation. In 1999, UP suspended service over the portion of the line east of Redwood Road (Milepost 780.79) to facilitate the Salt Lake City Gateway Area Redevelopment Project and related highway improvements.<sup>3</sup>

In 2001, UP decided to reactive the line as a freight bypass for through train traffic, to relieve pressure on its existing routings via Grant Tower, a short distance to the north of the 900 South Line. The City vigorously opposed the reactivation, in part, because the line was located in a residential area. The City was, however,

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<sup>2</sup> A petition for review of the STB decision and an appeal of the district court decision are presently pending before the U.S. Court of Appeals for the 10<sup>th</sup> Circuit. Both cases have been held in abeyance pending settlement negotiations between UP and City, although the court has indicated it is not willing to continue doing so indefinitely.

<sup>3</sup> In fact, UP had earlier planned to abandon most of the line east of Redwood Road in Docket No. AB-33 (Sub-No. 116X), served September 30, 1998. However, prior to filing the exemption petition in that proceeding, UP decided to retain the segment west of Milepost 782.32 for future use as a freight bypass. As such, when the Petition for Exemption in that proceeding was filed, it covered only the portion of the line east of Milepost 782.32.

unsuccessful in preventing reactivation, and the line was reopened in December, 2001. The line is currently in use, handling about 10-12 trains per day.

**B. The UP-City Agreements**

UP and City began negotiations in 2002 to address the 900 South Line and its impact on the community through which it operates. These negotiations resulted in two agreements. The first agreement, signed in March 2003, provided for the establishment of an FRA compliant "quiet zone" on the line from Redwood Road east. Following completion of grade crossing improvements required for FRA compliance, this "quiet zone" was established in November, 2004.<sup>4</sup>

The second agreement was signed on April 7, 2004 ("2004 Agreement") and is the agreement most directly relevant to the instant proceeding. The 2004 Agreement provides for the reconfiguration of UP's main line tracks at Grant Tower, including related track and signal changes at other nearby locations (the "Grant Tower Project"). The essential features of the project are described in Exhibit 2<sup>5</sup>. The project would increase capacity on UP lines through Grant Tower. When the project is completed, the traffic currently moving over the 900 South Line will be rerouted through Grant Tower, permitting the 900 South Line to be abandoned.

UP and City have reached agreement on the preliminary design and cost estimates for the Grant Tower Project. Funding for the project is being sought, but has not yet been secured. UP and City are optimistic that funding will be secured in the near future and the project will go forward.

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<sup>4</sup> The quiet zone was originally established under state law, since the FRA rule was not then in effect. It was converted to an FRA quiet zone effective in June, 2005.

<sup>5</sup> The primary document governing the project is an extensive document with detailed specifications and plans entitled the "Master Services Agreement - Grant Tower Project" ("MSA"), as revised. Exhibit 2 consists of excerpts from the MSA describing the key features of the project.

### **III. THE REQUESTED EXEMPTION**

UP and City are requesting the Board to issue an exemption permitting the abandonment of the 900 South Line conditioned upon substantial completion of the Grant Tower Project, as summarized in Exhibit 2. This is a critical part of the 2004 Agreement, and it is important that the Board understand why.

Under the terms of the 2004 Agreement, UP is obligated to reroute traffic from the 900 South Line and abandon the portion of the line east of Redwood Road upon substantial completion of the Grant Tower Project. City's concern is that, unless STB abandonment authority is secured, this part of the agreement – which is essential to City – may not be enforceable. Further, because of this uncertainty, City must maintain its appeals of the 2002 STB and District Court decisions. While these appeals are currently in abeyance, the 10<sup>th</sup> Circuit has indicated that they will have to be briefed and argued in the near future unless the cases are dismissed, which would be a waste of time and effort for all concerned, including STB.

UP, of course, intends to fully carry out the terms of the 2004 Agreement. However, UP appreciates City's concerns as to the effects of STB's abandonment jurisdiction on the enforceability of the agreement. As such, UP is willing to obtain abandonment authority prior to project completion, removing the shield of STB abandonment jurisdiction, and allowing the agreement to be enforced in accordance with its terms. However, until the Grant Tower Project is substantially completed, it is critical for UP to use the 900 South Line. As such, UP is not willing to seek abandonment authority which, by its terms, would be effective prior to substantial completion of the project.

To meet these concerns, the 2004 Agreement provides that, once the parties reach agreement on project scope, preliminary design and cost estimates, UP will seek

abandonment authority conditioned upon substantial completion of the Grant Tower Project. This Petition is intended to fulfill that obligation.

**IV.**  
**THE STANDARDS FOR EXEMPTION HAVE BEEN MET**

The proposed conditional abandonment clearly meets the standards for exemption under 49 C.F.R. §10502. There are no local industries on the segment of the 900 South Line proposed for abandonment, and all overhead traffic currently handled on the line will be rerouted to alternate routes upon substantial completion of the Grant Tower Project (and the proposed condition assures that the line will not be abandoned until then). As such, detailed scrutiny of the abandonment under 49 U.S.C. §10903 is not necessary to carry out the Rail Transportation Policy of 49 U.S.C. § 10101. Indeed, the proposed exemption will promote key elements of the RTP. It will permit the parties to carry out their agreement without regulatory obstacles, consistent with the policy of minimizing the need for regulatory control over the rail transportation, § 10101(2). It will promote sound economic conditions in transportation (§ 10101(4)) by avoiding the administrative expenses in the preparation, review and prosecution of a formal abandonment application. It will also avoid the need for the parties and STB to devote resources to the pending 10<sup>th</sup> Circuit appeals. An exemption will expedite regulatory action and reduce barriers to exit, consistent with § 10101(2) and (7).

The abandonment covered by the proposed conditional exemption is of limited scope. The line to be abandoned is only 2.22 miles in length and has no local traffic. Regulation of the abandonment is not needed to protect shippers from abuse of market power. There are no local shippers served by the line, and the requested condition will assure that the line remains available to handle through traffic until that traffic can be rerouted.



Finally, it should be noted that, were this abandonment being sought after completion of the Grant Tower Project, it would be exempt under the Class Exemption for out of service rail lines, 49 C.F.R. § 1152.50 (no local traffic; overhead traffic rerouted). The only reason that it does not now qualify under the class exemption is that overhead traffic cannot now be rerouted. The proposed conditions will assure that the line is not abandoned until this traffic can be rerouted.

## **V. ADDITIONAL INFORMATION**

### **A. Description of Line**

The 900 South Line proposed for abandonment extends from Milepost 780.1 west of Redwood Road to Milepost 782.32 near 4<sup>th</sup> West Street, a distance of 2.22 miles in Salt Lake City, Salt Lake City County, Utah. A map of the line is attached as Exhibit 1. The line traverses zip codes 84101 and 84104.

The line proposed for abandonment is slightly longer than the line segment previously before the Board in Docket No. AB-33 (Sub-No. 183). The line segment in the latter proceeding extended 1.32 miles from Milepost 781.0 (east of Redwood Road) to Milepost 782.32. The current abandonment extends 2.22 miles from Milepost 780.1 (west of Redwood Road) to Milepost 782.32. The additional 0.9 mile segment has been included in the instant proposal because, like the original segment, there is no local traffic on it, and thus no reason to retain it once overhead traffic is rerouted. Also, including this segment permits the elimination of the rail-highway grade crossing at Redwood Road, a major thoroughfare.

**B. Land Area, Grant Information and Public Use**

The right-of-way is a strip of land with width varying from 50 to 125 feet. Most of the property is non-reversionary. Based on information in UP's possession, the line does not contain federally granted right-of-way. Any documentation in UP's possession will be made available to those requesting it.

UP believes the property east of Redwood Road may be suitable for other public purposes, including trails or conservation.

**C. Labor Conditions**

The applicable labor protective conditions are the conditions prescribed in Oregon Short Line R. Co. – Abandonment, 360 I.C.C. 91 (1979).

**D. Representatives of the Parties**

The names, addresses and telephone numbers of the parties' representative are as follows:

Christopher E. Bramhall  
Senior City Attorney  
SALT LAKE CITY CORPORATION  
451 South State Street  
Room 505  
Salt Lake City, Utah 84111  
Tel: 801/535-7683

Robert T. Opal  
General Commerce Counsel  
UNION PACIFIC RAILROAD COMPANY  
1400 Douglas Street  
Mail Stop 1580  
Omaha, NE 68179  
Tel: 402/544-3072

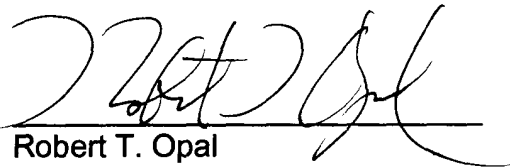
**E. Draft Federal Register Notice**

Attached as Exhibit 3.

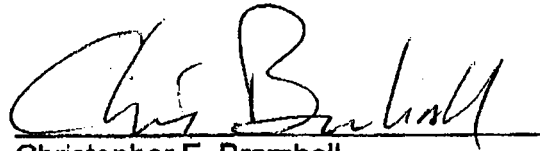
**VI.**  
**CONCLUSION**

For the reasons stated above, Union Pacific Railroad Company and Salt Lake City Corporation respectfully request the Board to issue an order exempting the proposed abandonment of 900 South Line, with the abandonment conditioned upon substantial completion of the Grant Tower Project as summarized in Exhibit 2.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Robert T. Opal', is written over a horizontal line.

Robert T. Opal  
General Commerce Counsel  
UNION PACIFIC RAILROAD COMPANY  
1400 Douglas Street  
Stop Code 1580  
Omaha, NE 68179  
Tel: 402/544-3072



Christopher E. Bramhall

Senior City Attorney

SALT LAKE CITY CORPORATION

451 South State Street

Room 505

Salt Lake City, Utah 84111

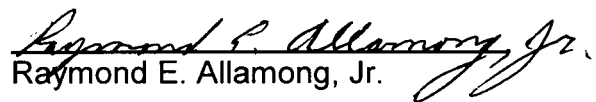
Tel: 801/535-~~7799~~

7683

### VERIFICATION

Raymond E. Allamong, Jr., Senior Manager, Rail Line Planning of Union Pacific Railroad Company, under penalty of perjury, declares and verifies that he has read the foregoing Petition for Exemption in Docket No. AB-33 (Sub-No. 237X), knows the facts stated therein, and that said facts are true as stated.

Dated: February 8, 2006.

  
Raymond E. Allamong, Jr.

**DOCKET NO. AB-33 (SUB-NO. 237X)**  
**900 South Line in Salt Lake City, UT**

**CERTIFICATE OF SERVICE AND PUBLICATION**

**49 C.F.R. § 1152.60(d) - Service of Petition for Exemption**

I certify that, on February 10, 2006, a copy of the Petition for Exemption in the above proceeding was served on all persons entitled to receive copies of notices of exemption under 49 C.F.R. § 1152.50(d) as follows:

Utah State Clearinghouse  
Office of Planning and Budget  
Room 116, State Capitol  
Salt Lake City, UT 84114

National Park Service  
Land Resources Division  
1849 C Street, N.W., #MS3540  
Washington, D.C. 20240

U.S. Department of Agriculture  
Chief of the Forest Service  
4th Floor, N.W., Auditors Building  
14th St. & Independence Ave., SW  
Washington, DC 20250

Department of Defense  
Military Traffic Management Command  
Transportation Engr. Agency  
Railroads for National Defense Program  
720 Thimble Shoals Blvd., Suite 130  
Newport News, VA 23606-2574

**49 C.F.R. § 1105.11 - Service of Environmental and Historical Report**

I certify that on January 16, 2006 (at least 20 days before the filing of the Petition for Exemption, a Combined Environmental and Historic Report in Docket No. AB-33 (Sub-No. 237X) pursuant to 49 C.F.R. §§ 1105.7 and 1105.8 was served on the following:(1) State Clearinghouse (or alternate)

- (2) State Environmental Protection Agency
- (3) State Coastal Zone Management Agency
- (4) Head of each County
- (5) U.S. Environmental Protection Agency (regional office)
- (6) U.S. Fish and Wildlife Service
- (7) U.S. Army Corps of Engineers
- (8) National Park Service
- (9) U.S. Natural Resources Conservation Service
- (10) The National Geodetic Survey
- (11) State Historic Preservation Office
- (12) Other Agencies Consulted (as listed)

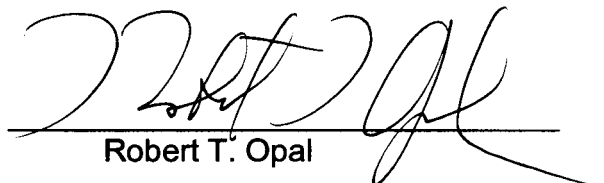
(The Certificate of Service attached to the Combined Environmental and Historic Report lists the names and addresses of the federal, state and local agencies served.

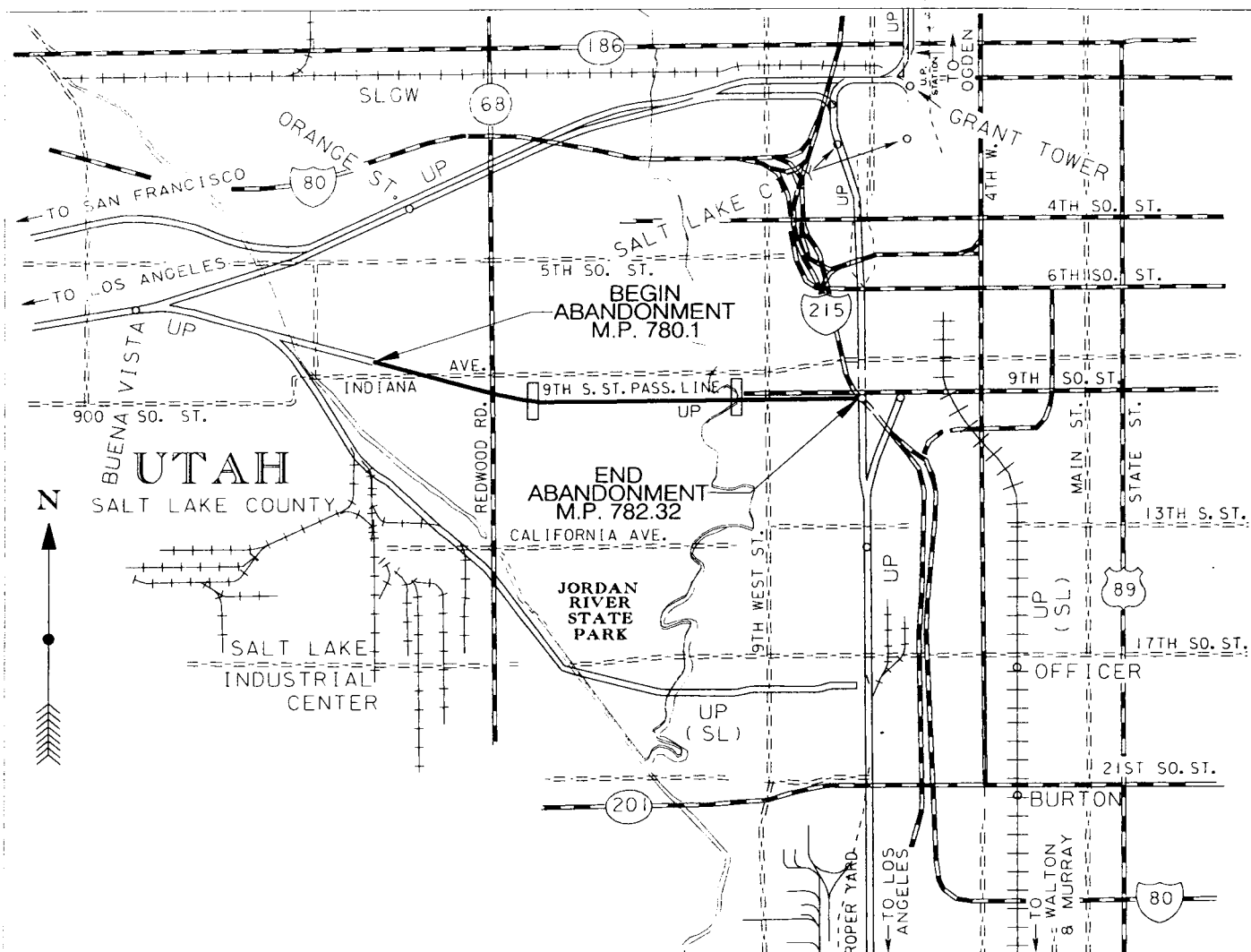
**49 C.F.R. § 1105.12 - Newspaper Notice**

I certify that a "Notice of Intent to Abandon" in the form prescribed by the Board for a Petition for Exemption is being published one time in a major newspaper in the county in which the Line is located as follows:

<u>County</u>	<u>Newspaper</u>	<u>Date</u>
Salt Lake	Salt Lake Tribune	2/11/06

Dated this 10<sup>th</sup> day of February, 2006.

  
Robert T. Opal



900 SOUTH LINE  
MP 780.1 TO MP 782.32

BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
780.94	I-BEAM - OPEN DECK	15'	1928
781.81	TIMBER PILE TRESTLE - OPEN DECK	75'	1931

## LEGEND

- UPRR LINES TO BE ABANDONED
- OTHER UPRR LINES
- OTHER RAILROADS
- 50+ YEAR OLD STRUCTURES
- PRINCIPAL HIGHWAYS
- OTHER ROADS

UNION PACIFIC RAILROAD CO.  
900 SOUTH LINE

SCALE MILES

FILE: q:\abandonments\ab0178-2006.dgn

DATE: 16-Jan-06 09:07



## **Grant Tower**

UPRR Master Service Agreement Contract

Revision No. 1, Dated July 11, 2005

### **Section 2 INTRODUCTION**

J.L. Patterson & Associates, Inc. has been hired by UPRR to perform the preliminary design report and the preliminary cost estimates for the Grant Tower project. J.L. Patterson & Associates will also evaluate the project from constructability, construction phasing and sequencing point of view.

#### **a. Study Purpose**

The purpose of this study is to refine the proposed Grant Tower track alignment to ensure that the nearly 30 trains per day can travel at a speed of 40 miles per hour through the Grant Tower area. It is also the purpose of this study to prepare a preliminary design of the track, at-grade crossings, structural items, and utilities to refine the cost estimates for the Grant Tower segment.

#### **b. Scope**

J.L. Patterson & Associates, Inc. scope includes the following items:

- Review of existing alignment plans and offer any improvement we may discover keeping in mind that the objective is to operate the railroad at 40 miles per hour.
- Perform a comprehensive cost estimate of all elements of the Grant Tower project.
- Perform a review of construction phasing and sequencing for track and signal work and study the project from a constructability point of view.
- Deliver a Preliminary Engineering Report including Executive Summary, Drawings, Exhibits and Cost Estimate Spreadsheets.

#### **c. Objectives**

The main objective of this task is to provide preliminary engineering services and cost estimates for the Grant Tower Project. Specific objectives of this study include:

- Collect, compile and validate existing data
- Develop preliminary design of proposed track reconfiguration
- Prepare cost estimates, project phasing, sequencing and constructability for the recommended improvements.

# Grant Tower

UPRR Master Service Agreement Contract

Revision No. 1, Dated July 11, 2005

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## d. Existing Conditions

The Union Pacific Railroad operates the Salt Lake, Lynndyl and the Provo Subdivisions in the vicinity of Salt Lake City. They make up trains out of three yards in this geographical area: 5600 West Yard, Roper Yard and North Salt Lake Yard. The train traffic counts in the particular area of Grant Tower amount to approximately 30 freight trains per day in addition to several local industry service trains. The current operating speed for the railroad is approximately 5 miles per hour through the Grant Tower area. The railroad requires that the Grant Tower Project upgrade the track to 40 miles per hour on the Lynndyl Subdivision to Provo Subdivision connection, to 40 miles per hour on the Lynndyl Subdivision to Salt Lake Subdivision connection (both main tracks) and to 30 miles per hour on the Salt Lake Subdivision to Provo Subdivision connection.

## e. Process

1. **Obtain comprehensive database.** JLP met with representatives of Union Pacific Railroad as well as UTA's Design Consultant and Program Manager to gather as much information as was available for our study. Furthermore, we obtained utilities information from the Public Works Department of the City of Salt Lake and Gas Line plans from Questar. A Vicinity Map of the study area is included in this section for information purposes.
2. **Perform comprehensive field review.** JLP engineers visited the site and traveled the complete length of the project limits with the purpose of identifying opportunities and constraints for the track reconfiguration.
3. **Conduct preliminary engineering.**
  - Reviewed existing alignment plans and offered improvements while keeping operation of the railroad at 40 miles per hour.
  - Reviewed existing and proposed at-grade crossings.
  - Reviewed existing utilities on all affected corridors: north-south and east-west.
  - Performed a comprehensive cost estimate of all elements of the project.
  - Performed a review of construction phasing, sequencing and constructability of track and signal work.

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# Grant Tower

UPRR Master Service Agreement Contract

Revision No. 1, Dated July 11, 2005

## Section 4 GRANT TOWER PROJECT

### a. Overview

This report presents the findings from preliminary studies, results of meetings held with interested parties: Union Pacific, UTA, City of Salt Lake; criteria which was used to produce the work and cost estimates for the reconfiguration.

### b. Design Criteria

**Roadway Design:** The preliminary design for the at-grade crossings follow the City of Salt Lake Standards for public works. Roadway geometry includes:

- Design Speed: Posted Speed plus 5 miles per hour, except for 600 West that may have to be adjusted to accommodate for super elevated tracks at the crossing
- Travel Lane Width: Match existing width
- Maximum Grade: Not to exceed City Standards
- Sidewalk: Match existing sidewalks
- Curb Return Radius: 35 foot minimum
- Roadway Paving: Asphaltic Concrete Paving
- At-grade Crossing Surface: Concrete Panels with Timber Ties
- Crossing Warning Devices: Per City and Railroad Standards

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**Railroad Design:** The design criteria for the railroad are based on Union Pacific's Track Standards and meeting the Federal Railroad Administration Standards for Class 3 track with allowable speed of up to 40 miles per hour. The design criteria are summarized below:

- Design Speed: 40 mph
- Curvature (all mainline curves are spiraled and superelevated in accordance with UPRR Track Standards: 8° 45' (Maximum) with one exception where a 2" of unbalanced was used instead of the 1" standard to alleviate alignment constraints.
- Tangent distance between reversing curves: 132 feet (Minimum)
- Track Centers: 15' Track Centers (Minimum)
- Maximum Grade: Not more than existing profiles
- Turnout Sizes: No. 15 Turnouts to No. 20 Turnouts
- Rail: 136 RE
- Ties: Concrete
- Ballast: 12" under tie
- Subgrade: Per UPRR standards
- Drainage: Per UPRR standards
- Access Roads: Per UPRR standards

# Grant Tower

UPRR Master Service Agreement Contract

Revision No. 1, Dated July 11, 2005

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## c. UPRR Alignment: Trackwork

JLP studied the alignments presented by others and have the following comments:

All alignments appear to meet minimum UPRR requirements and required speeds. It was difficult to find improvements to the design because of the constraints involved.

The following are some optional alignments that have both pros and cons. Each of these options is independent of all others, with some minor modifications. In all cases the proposed speed is maintained.

### East Track / Provo Sub:

The proposed alignment is spiralized through the 100 South crossing, and varies between 3" and 3 $\frac{3}{4}$ ", and the adjacent track is going to be level. JLP's alignment option extends the 3°30' curve through the crossing (getting the spiral out of it) to keep the superelevation constant at 1 $\frac{1}{2}$ ". This requires that the curve to the north be sharper, at 8°45', and the superelevation increase. This alignment also pulls the track further away from the future UTA alignment, should it be necessary.

### East Track / Lynndyl Sub:

The proposed alignment appears to tie-in just short of the existing diamond crossing. However, this diamond should be removed as part of the final Phase 1 track configuration. Also, the curve underneath the I-15 OP measures out to be about 5°. We assume that there is no superelevation on this curve because of the current operating speeds, which would mean the maximum speed is 25mph. The proposed alignment would create a broken-back curve situation, where the curves are separated by a diamond and also what appears to be a concrete channel. This optional alignment eliminates the broken-back curve and reduced speed situation by inserting a spiralized 4° curve with 3 $\frac{1}{2}$ " of superelevation. Existing drainage system at the toe of slope east of I-15 North and west of track 120 will be impacted and will be modified to accommodate the new track alignment. We assume that the diamond can be completely removed, and is desirable to do so.

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# Grant Tower

UPRR Master Service Agreement Contract

Revision No. 1, Dated July 11, 2005

A Summary of JLP's alignment options are presented below, while the plan and profile drawings can be found at the end of this Section.

## PHASE 1 (WITH NO CHANGE TO PHASE 2)

Location	Pros	Cons
Lynndyl Sub No. 2 to Provo Sub Connection	<ul style="list-style-type: none"><li>• 40 mph design speed attained by realigning 5°+/- curve (probably with no superelevation)</li><li>• Broken-back curve eliminated</li></ul>	<ul style="list-style-type: none"><li>• Additional track realignment, which we believe is necessary to attain the 40mph design speed</li></ul>
Salt Lake Sub to Provo Sub Connection	<ul style="list-style-type: none"><li>• Spiral through the 100 South crossing moved outside the crossing</li><li>• Alignment moved away from the UTA alignment</li></ul>	<ul style="list-style-type: none"><li>• Sharper curve with increased superelevation</li></ul>

### d. Construction Phasing / Staging / Rail Traffic Management Concepts

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It is anticipated that the rail construction will occur adjacent to the operating railroad. Therefore, it is imperative to perform all work with controlled impacts in the proper sequence and staging. The concepts for maintaining rail traffic are presented in the drawings entitled: Staging Plans at the end of this Section. The staging plans include general discussions about construction of this project with Union Pacific representatives and our understanding of the need to construct during operational construction windows.

### e. Drainage

Although a drainage study was not conducted for this preliminary design and estimate report, the drainage patterns for the Grant Tower area will change as a result of the new alignment. The new track will create obstructions in existing flow patterns thereby modifying existing tributary areas and creating new sub-areas. For estimating purposes, this report covers drainage as a lump sum.

### f. Utilities

This project will require utilities relocation, not only for underground utilities like fiber-optic cables, gas, sewer, storm drain and water lines, but also overhead utility lines

## Grant Tower

UPRR Master Service Agreement Contract

Revision No. 1, Dated July 11, 2005

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including a high voltage Utah Power Overhead line is affected by the reconfiguration of the tracks.

See Utilities drawings at the end of this section and estimates on Section 5.

**g. Signal Work – by UPRR**

JLP provided track alignment and construction staging plans to assist UPRR signal department with their design and construction estimate. Signal Engineering was not part of this scope of work.

**h. Environmental Work – by Others**

Similarly to Signal Engineering, Environmental Work was not part of this scope of work.

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## **EXHIBIT 3**

### **DRAFT FEDERAL REGISTER NOTICE**

**STB No. AB-33 (Sub-No. 237X)**

#### **NOTICE OF PETITION TO ABANDON OR TO DISCONTINUE SERVICE**

On February 13, 2006, Union Pacific Railroad Company and Salt Lake City Corporation filed with the Surface Transportation Board, Washington, D.C. 20423, a petition for exemption for the abandonment of a line of railroad known as the 900 South Line extending from railroad milepost 780.1 to railroad milepost 782.32 in Salt Lake City, Utah, which traverses through 84101 and 84104, United States Postal Service ZIP Codes, a distance of 2.22 miles in Salt Lake County, Utah. There are no stations on the line. The proposed abandonment is to be conditioned on substantial completion of improvements to alternate UP lines via Grant Tower in Salt Lake City, a short distance north of the line (the "Grant Tower Project").

The line does not contain federally granted rights-of way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

The interests of railroad employees will be protected by the conditions prescribed in Oregon Short Line Railroad Company - Abandonment, 360 I.C.C. 91 (1979).

Any offer of financial assistance will be due no later than 10 days after service of a decision granting the petition for exemption.

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use.

Any request for a public use condition and any request for trail use/rail banking will be due no later than 20 days after notice of the filing of the petition for exemption is published in the FEDERAL REGISTER.

Persons seeking further information may contact the Surface Transportation Board or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis.

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by the Section of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like a copy of the EA (or EIS) may contact the Section of Environmental Analysis. EAs in these abandonment proceedings normally will

be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.